



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of existing structures on site and construction of new dwelling fronting Elizabeth Place as well as a detached secondary dwelling to the rear and associated landscaping.

ADDRESS -

3 Elizabeth Place, Brookvale
(Lot 6 in DP 5876)

DATE -

December 2022

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REPORT

1 PURPOSE OF THIS REPORT

This statement provides an opinion, in addition to relevant information for the consent authority to assess and determine the subject development application including the following:

- A site analysis of the site and surrounding lands.
- Description of the proposed development.
- Evaluation of the proposed development against legislative and policy framework.
- Conclusion.

The Statement of Environmental Effects is prepared in accordance with Schedule 1 of Environmental Planning and Assessment Regulation 2000 for the purposes of demonstrating that the environmental impact of development has been considered against the relevant controls and to outline steps to be undertaken to protect the environment or to mitigate any potential harm.

The proposal is local development as defined by the Environmental Planning and Assessment Act 1979 and as such Northern Beaches Council is the consent authority. Previous amalgamation of Pittwater, Warringah and Manly Council's is noted with a transition currently being implemented and the site still subject to the detailed planning provisions of the former Warringah Council.

2 THE SITE AND ITS CONTEXT

The site, legally defined as Lot 6 in DP 5876 (3 Elizabeth Place, Brookvale) is located on the western side of Elizabeth Place which is a no thru road access from Beacon Hill Road to the south, noting also presence of Consul Road to the west which forms a secondary frontage. The site is rectangular in shape with a frontage of 13.715m, and depth of 63.27m, yielding a site area of 886m². With respect to topography, the experiences a fall of approximately 11.81m from its rear boundary (44.51AHD) down towards the Elizabeth Place frontage (32.71AHD).

Situated on site is a detached two storey dwelling house that provides light face brick finish to external walls and traditional pitched tile roof. The presence of an awning structure forward of the façade to the southeast corner is noted as well as to the rear over a concrete patio is noted. Vehicular access is located centrally to the site with the driveway consisting concrete strips which access a lower-level garage. By virtue of the slope of the site the several retaining walls are apparent within the rear yard with stairs providing access throughout. With respect to vegetation, scattered shrubs occupy the front yard with more dense vegetation and canopy to the rear yard and Consul Road verge.

Surrounding development is generally comprised of detached dwelling houses of single and two storey development of varied design, form, and finish, also noting the presence of Brookvale Public School that opposes the site with the Warringah Commercial centre within close proximity to the south.

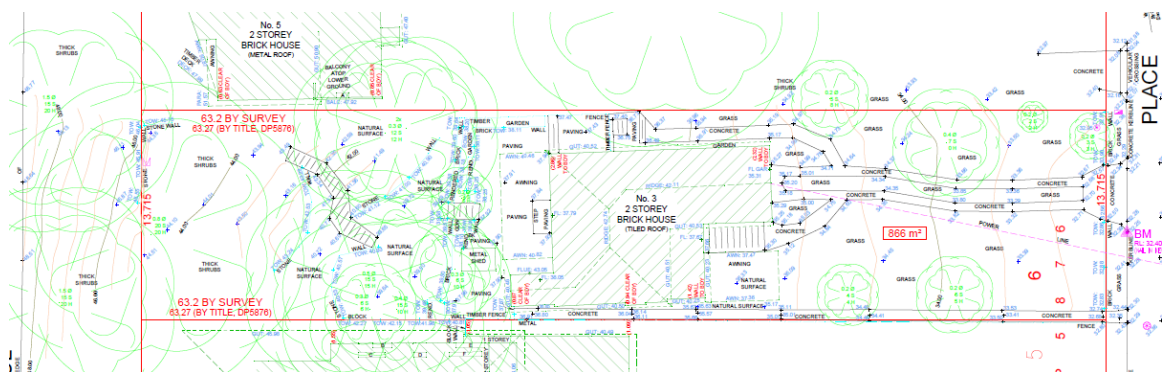


Figure 1 - Survey (source - PEAK Surveying Services)



Figure 2 - Subject Site and Broader Context (source - NSW Planning Portal)



Figure 3 - Subject Site as viewed from Elizabeth Place and rear yard

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PROPOSED DEVELOPMENT IN DETAIL

Council's consent is sought for the following works:

- Demolition of existing structures on site as well as removal of select vegetation.
- Construction of a new single storey principal dwelling fronting Elizabeth Place, the design of which is stepped and adopts three distinct levels as follows.
 - Double car garage which forms the primary building line adjacent to the southern boundary.
 - Primary component of dwelling comprises open planned kitchen, dining and lounge, a bedroom (with ensuite) and laundry. The presence of a veranda forward and deck adjacent to the northern boundary is also noted.
 - Rear component of dwelling is accessed via a lightweight stair link and steps up approximately 2.3m from the forward floor plan. It comprises two (2) bedrooms and a bathroom with deck attached to the northern side elevation.
- Construction of a detached secondary dwelling to rear of the site. No parking is provided for this dwelling with a primary access and pedestrian entrance from Consul Road. The dwelling comprises two bedrooms, bathroom and open plan kitchen, dining and living room to the eastern component with covered deck adjacent. The dwelling adopts a step though by virtue of topography is elevated.
- New vehicular crossing and driveway access from Elizabeth Place and associated site landscaping.

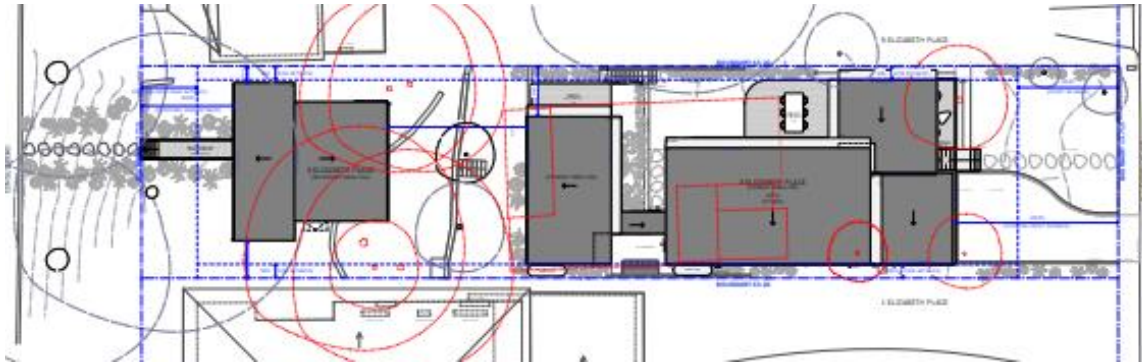


Figure 4 - Site Plan (source - Adriano Pupilli Architects)

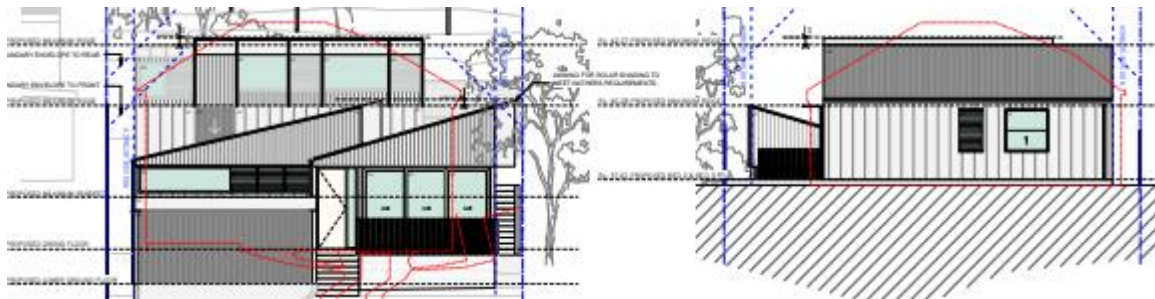


Figure 5 - Eastern (front) and Western (rear) elevation of principal dwelling (source - Adriano Pupilli Architects)

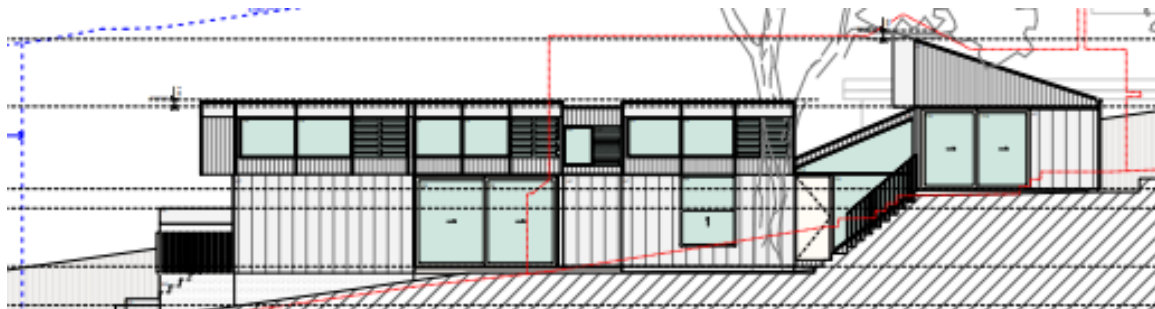


Figure 6 - Northern (side) elevation of principal dwelling (source - Adriano Pupilli Architects)

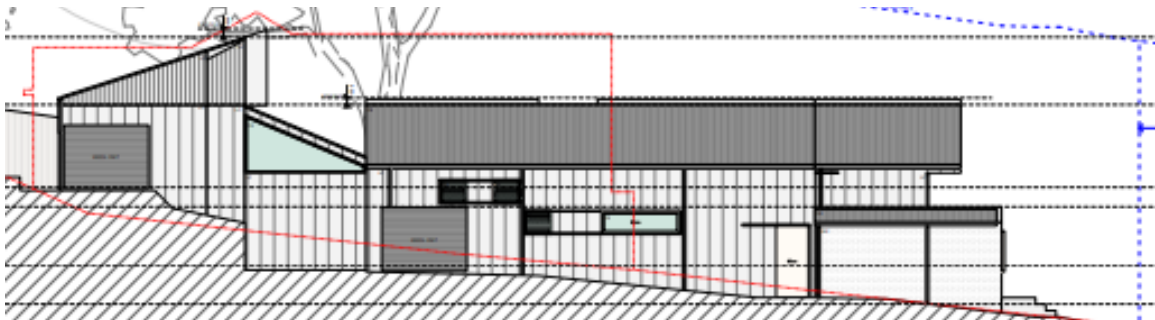


Figure 7 - Southern (side) elevation of principal dwelling (source - Adriano Pupilli Architects)

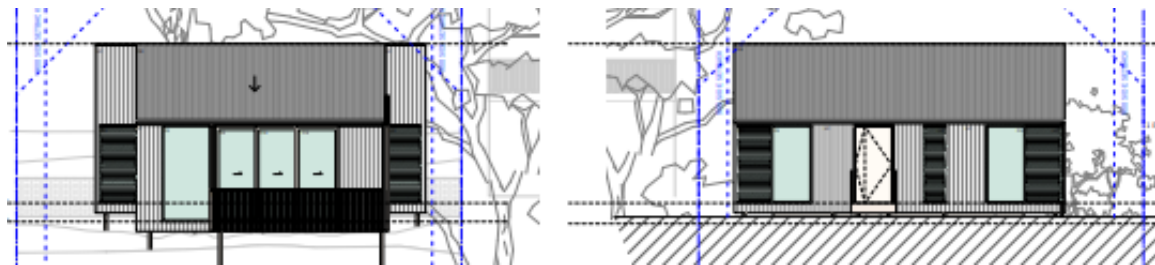


Figure 8 - Eastern (rear) and Western (front) elevation of secondary dwelling (source - Adriano Pupilli Architects)

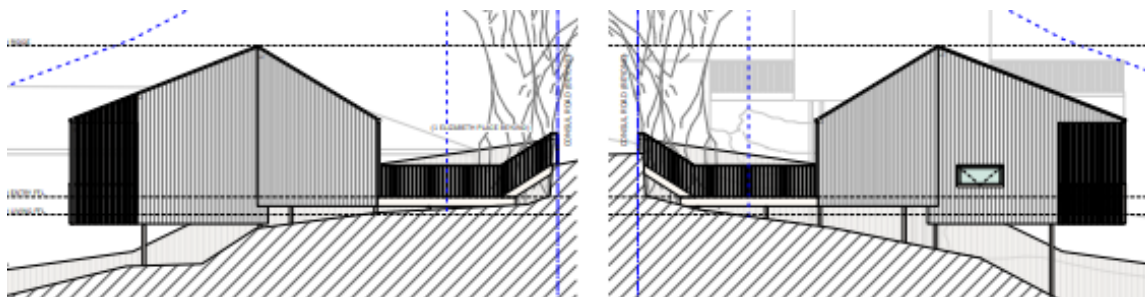


Figure 9 - Northern (side) and Western (side) elevation of secondary dwelling (source - Adriano Pupilli Architects)

4 ASSESSMENT UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

4.1 (a) the provision of: (i) any Environmental Planning Instruments

4.1.1 State Environmental Planning Policies

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") applies to the proposed development.

Comment - In accordance with the above the application is accompanied by a BASIX Certificate which commits to environmentally sustainable measures.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

Clause 4.6 states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose that development consent is sought.

Comment - As the site has an extended history of residential use, Council may be satisfied that the land is not contaminated and is suitable for the use proposed.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in Non-Rural Areas

This chapter relates to non-rural areas of the State inclusive of the subject local government area and aims to (a) protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Comment - Several trees are to be removed to facilitate the proposed works. In this regard an Arborist Report prepared by Tree Management Strategies accompanies the application and reviews not only those trees to be removed though all trees within proximity to ensure ongoing health and retention.

4.1.2 Local Environmental Planning Instruments

Warringah Local Environmental Plan 2011

The site is zoned R2 'Low Density Residential' under provisions of the Warringah Local Environmental Plan 2011 (WLEP 2011). The proposed development relates to demolition of existing structures and construction of a new 'dwelling house', 'secondary dwelling' and ancillary works which are permissible with consent. An extract of the zoning table is provided below with proposed uses highlighted.

*Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; **Dwelling houses**; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; **Secondary dwellings**; Tank-based aquaculture; Veterinary hospitals*

Objectives of the R2 Low Density Residential zone are:

- *To provide for housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment - Given the permissible form of development and compliance with planning provisions as detailed within this SEE, the proposal is not considered inconsistent with the stated zone objectives.

Following is a summary table indicating performance of the proposal against statutory standards:

Requirement	Proposed	Compliance
CI 4.3 - Building Height		
Site located in Area 'I' of the Building Height Map (8.5m)	5.48m (principal dwelling) 6.6m (secondary dwelling)	Yes
CI 5.4 - Controls relating to miscellaneous permissible uses		
Subclause (9) relates to secondary dwellings on land other than in a rural zone. If development for purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is greater - (a) 60 square metres, (b) 11% of the total floor area of the principal dwelling.	60m ²	Yes
CI 5.10 - Heritage Conservation		
Subclause (4) requires that the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	Site is not listed as a heritage item or located within a conservation area	Yes
CI 6.2 - Earthworks		
Subclause (3) provides that before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	Site topography is noted though in this regard a balanced degree of excavation is adopted and is not inconsistent with stated considerations.	Yes

(e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.		
CI 6.4 - Development on Sloping Land		
Site is located within land shown as Area B 'Flanking Slopes 5 to 25' on Landslip Risk Map. Sub clause (3) requires that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that: (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, (c) the development will not impact on or affect the existing subsurface flow conditions.	Application accompanied by a Preliminary Landslip Assessment prepared by Crozier Geotechnical Consultants.	Yes

4.2 (a)(ii) any Draft Environmental Planning Instruments

There are currently no draft planning instruments and / or amendments of relevance to the proposal.

4.3 (a)(iii) any Development Control Plan

Warringah Development Control Plan

The proposed development is affected by provisions of the Warringah Development Control Plan (WDCP). Compliance with the primary prescriptive standards contained within the WDCP is outlined below:

Requirement	Proposed	Compliance
Part B - Built Form Controls		
B1 Wall Height 1. Walls are not to exceed 7.2m from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).	< 7.2m	Yes
B3 Side Boundary Envelope 1. Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited in a building envelope determined by projecting planes 45 degrees from height above ground level (existing) at side boundaries of - 4m.	Building envelope compliance is shown on plan with built form contained within.	Yes
B5 Side Boundary Setbacks 1. All land in R2 zone: - 0.9m	<u>Principal Dwelling</u> 0.9m (north) / 0.9m (South)	Yes
	<u>Secondary Dwelling</u> 1.1m (north) / 2.43m (South)	Yes
2. Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.	Side setbacks are to be suitably landscaped and do not contain referenced structures.	Yes
B7 Front Boundary Setbacks 1. Development is to maintain a minimum setback of 6.5m	10.55m	Yes

2. The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.	The front setback area does provide a landscaped setting.	Yes
B9 Rear Boundary Setbacks		
1. All other land under R2: - 6m	5.855m. Non-compliance is very minor noting also that the predominant setback of adjoining built form has been calculated at approximately 3.6m. Proposed setback does facilitate intent of underlying objectives in that suitable deep soil and planting is provided and amenity not compromised.	Acceptable
2. The rear setback area is to be landscaped and free of any above or below ground structures.	Rear setback landscaped with a small open alfresco adjacent to rear elevation of the dwelling.	Yes
Part C - Siting Factors		
C3 Parking Facilities		
1. The following design principles shall be met: <ul style="list-style-type: none"> Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site; Parking is to be located so that views of the street from front windows are not obscured; and Where garages and carports face street, ensure that the garage or carport opening does not exceed 6m or 50% of the building width, whichever is the lesser. 	Garage element of dwelling is suitably integrated in façade.	Yes
	Set down of garage ensures front windows not obscured.	Yes
	5.4m (39.4%)	Yes
4. Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses. Dwelling Houses - 2 spaces per dwelling	2 Spaces	Yes
C4 Stormwater		
1. Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.	No adverse impacts foreseen.	Yes
2. The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management Policy.	Detailed stormwater plan accompanies submission.	Yes
C8 Demolition and Construction		
1. All development that is, or includes, demolition and/or construction, must comply with Waste Management Guidelines and all Development Applications must be accompanied by a Waste Management Plan.	Waste Management Plan accompanies submission.	Yes
Part D - Design		
D1 Landscaped Open Space and Bushland Setting		
1. Minimum area of landscaped open space shown on DCP Map Landscaped Open Space & Bushland Setting (40%) <i>To measure the area of landscaped open space:</i>	370m ² (42.7%)	Yes

<p>a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;</p> <p>b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;</p> <p>c) Landscaped open space must be at ground level (finished); and</p> <p>d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.</p>		
D2 Private Open Space		
<p>1. Residential development is to include private open space for each dwelling.</p>	<p>Private open space provided for both the principal and secondary dwellings on site.</p>	<p>Yes</p>
<p>2. The minimum area and dimensions of private open space for dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms is 60m² with minimum dimensions of 5m.</p>	<p>Principal dwelling which has 3 bedrooms is provided with an area >60m² and 5m dimension. By definition clause does not apply to secondary dwelling though it is provided with a suitable private open space.</p>	<p>Yes</p>
<p>3. Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.</p>	<p>Directly accessible from living spaces of each dwelling.</p>	<p>Yes</p>
<p>4. Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.</p>	<p>Private open space of principal dwelling close to natural ground with deck of secondary dwelling having an orientation within the subject site, inset from side boundaries, and screened (northern side).</p>	<p>Yes</p>
<p>5. Private open space shall not be located in the primary front building setback.</p>	<p>Behind building line.</p>	<p>Yes</p>
<p>6. Private open space to be located to maximise solar access.</p>	<p>Area to principal dwelling has been concentrated adjacent to northern boundary. Secondary dwelling area is elevated</p>	<p>Yes</p>
D3 Noise		
<p>1. Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the <i>NSW Industrial Noise Policy</i>.</p>	<p>Services to observe compliance</p>	<p>Yes</p>
D6 Access to Sunlight		
<p>1. Development should avoid unreasonable overshadowing any public open space.</p>	<p>Site does not adjoin any areas of public open space.</p>	<p>N/A</p>
<p>2. At least 50% of required area of private open space of each dwelling and at least 50% of required area of private</p>	<p>> 3 hours.</p>	<p>Yes</p>

open space of adjoining dwellings are to receive a minimum 3 hours sunlight between 9am & 3pm (June 21)		
D7 Views 1. Development shall provide reasonable view sharing	Noting context of the site and building envelope provided no adverse view loss is foreseen.	Yes
D8 Privacy 1. Building layout should be designed to optimise privacy for occupants of development and adjoining properties. 2. Orientate living areas, habitable rooms and windows to private open space areas or to street to limit overlooking 3. Effective location of doors, windows and balconies to avoid overlooking is preferred to use of screening devices. 4. The windows of one dwelling are to be located so they do not provide direct or close views (i.e. from less than 9 metres away) into the windows of other dwellings.	Building layout is considered acceptable with primary living areas of the principal dwelling provided with an orientation towards the street front and secondary dwelling within site. As detailed above. Levels of the principal dwelling are not elevated and thus no overlooking results. In this regard the secondary dwelling only provides one window to its southern elevation, which is associated with the kitchen, suitably setback and offset to openings of opposing dwelling. Considered acceptable.	Yes Yes Yes Yes
D9 Building Bulk 1. Side and rear setbacks are to be progressively increased as wall height increases. 2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief. 3. On sloping land, the height and bulk of development (particularly on downhill side) is to be minimised and need for cut and fill reduced by designs which minimise building footprint, allow building to step down slope. 4. Building height and scale needs to relate to topography and site conditions. 5. Orientate development to address the street. 6. Use colour, materials and surface treatment to reduce building bulk. 7. Landscape plantings are to be provided to reduce the visual bulk of new building and works. 8. Articulate walls to reduce building mass.	Side setbacks comply with rear setback considered acceptable. Effectively articulated. Site experiences a significant fall with earthworks balanced. Design effectively responds. Suitable orientation provided. A varied palette of materials and finishes is provided. Landscape scheme provided for site will soften built form. Walls suitably articulated.	Yes Yes Yes Yes Yes Yes
D10 Building Colours and Materials 1. In highly visible areas, the visual impact of new development (including any structures required to retain	Site is not highly visible though the incorporated colours and	Yes

land) is to be minimized through use of appropriate colours and materials and landscaping.	materials are appropriate and complemented by landscape.	
2. The colours and materials of development on sites adjoining, or in close proximity to, <u>bushland</u> areas, waterways or beach must blend in to natural landscape.	As detailed above.	Yes
D11 Roofs		
2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.	Roof forms within immediate vicinity are varied with that proposed appropriate.	Yes
4. Roofs shall incorporate eaves for shading.	Shading incorporated where required and necessary.	Yes
5. Roof materials should not cause excessive glare/reflection	No adverse glare foreseen.	Yes
D15 Site Facilities		
1. Site facilities including <u>garbage</u> and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places. In particular:		
<ul style="list-style-type: none"> • <u>Waste</u> and recycling bin enclosures are to be durable, integrated with building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection; • All dwellings which are required to have landscaped open space are to be provided with adequate open-air clothes drying facilities which are suitably screened from public places or streets; 	Dedicated area for storage of bins adjacent to the southern boundary, readily accessible and not visible from street.	Yes
	Adequate area is available behind the building line.	Yes
D15 Side and Rear Fences		
1. Generally, side and rear boundary fences are to be no higher than 1.8m on level sites, or 1.8m measured from low side where there is a difference in either side.	Existing boundary fencing is to be retained.	Existing
2. For sloping sites, the height of fences may be averaged, and fences and walls may be regularly stepped.	Noted.	-
3. All fencing materials are to complement the existing neighbourhood. The use of corrugated metal, barbed wire or broken glass is not permitted.	As detailed above.	N/A
Part E - The Natural Environment		
E10 Landslip Risk		
1. The applicant must demonstrate that:		
<ul style="list-style-type: none"> • The proposed development is justified in terms of geotechnical stability; and • The proposed development will be carried out in accordance with good engineering practice. 	A Preliminary Landslip Assessment prepared by Crozier Geotechnical Consultants accompanies the application.	Yes
2. Development must not cause detrimental impacts because of stormwater discharge from the land.		
3. Development must not cause detrimental impact on existing subsurface flow including of other properties.		
4. To address Requirements 1 to 3:		
ii) For land identified as being in Area B or Area D:		

A preliminary assessment of site conditions prepared in accordance with Checklist for Council's assessment of site conditions must be carried out for development.		
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4.4 (a)(iv) any matter prescribed by the regulations that apply to land to which the development relates

The application has been considered in terms of the regulations and there are no matters applicable.

4.5 (b) likely Impacts of the Development

(i) Impact on the natural environment:

The proposed development will not have any adverse impact on the natural environment. The site has been previously developed for residential use and is in an established residential area.

(ii) Impact on the built environment:

The proposed development has been assessed against the detailed design provisions contained within the WLEP 2011 and WDCP and provides an appropriate level of compliance.

As previously detailed the site is constrained by way of topography though in this regard the limitation of built form to single storey limits bulk and scale with each elevation suitably articulated. A suitable address and orientation is also provided by each dwelling to their respective street frontage.

Further, the proposed development is not considered to result in any unreasonable amenity impacts in the form of overshadowing, privacy, or view loss towards surrounding properties.

(iii) Social and Economic impacts in the locality:

The proposed development is not foreseen to have any adverse social / economic impacts.

4.6 (c) suitability of the site for the development

The proposed development has been assessed against applicable planning provisions. Having regard to the assessment contained in this report, the site is considered to remain suitable.

4.7 (d) any submissions made in accordance with the Act or the regulations

It is anticipated that the development application would be notified to surrounding properties. Should any submissions be received these will be considered by Council within any assessment.

4.8 (e) the public interest

The proposed development is considered consistent with objectives of the Environmental Planning and Assessment Act in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. Accordingly, it is deemed to be consistent with the public interest.

5 CONCLUSION

The proposed development has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979, with works permissible, and consistent with relevant controls.

Further, the development performs adequately in terms of its relationship to surrounding built and natural environment, particularly in relation to likely impacts upon surrounding properties.

Consequently, the proposal is considered acceptable from an environmental planning perspective and should be supported by Council, subject to appropriate conditions of consent.